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**Federal Communications Commission**

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
	)	
Silver State Broadcasting, LLC	)	File No. EB-FIELDWR-16-0021527
Licensee of Station KFRH	)	
North Las Vegas, CA	)	NOV No. V2016323900007

**NOTICE OF VIOLATION**

Released: May 13, 2016

By the Acting District Director, Los Angeles Office, Region 3, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules),<sup>1</sup> to Silver State Broadcasting, LLC, licensee of station KFRH, North Las Vegas, Nevada. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violations noted herein.<sup>2</sup>

2. On April 19, 2016, in response to a complaint, agents from the Enforcement Bureau's Los Angeles Office conducted on scene monitoring of station KFRH. The monitoring revealed that station KFRH exceeded 110 percent modulation on peaks of frequent reoccurrence. The following violation was observed:

- a. 47 C.F.R. § 73.1570(b)(2)(ii): "FM stations. In no event may the modulation of the carrier exceed 110 percent (82.5 kHz peak deviation)." At the time of monitoring, the agents observed that Radio Station KFRH exceeded 85 kHz deviation on peaks of frequent reoccurrence.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,<sup>3</sup> and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial

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<sup>1</sup> 47 C.F.R. § 1.89.

<sup>2</sup> 47 C.F.R. § 1.89(a).

<sup>3</sup> 47 U.S.C. § 308(b).

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actions taken. Therefore, Silver State Broadcasting, LLC, must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.<sup>4</sup>

4. In accordance with Section 1.16 of the Rules, we direct Silver State Broadcasting, LLC, to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Silver State Broadcasting, LLC, with personal knowledge of the representations provided in Silver State Broadcasting's response, verifying the truth and accuracy of the information therein,<sup>5</sup> and confirming that all of the information requested by this Notice which is in the licensee's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>6</sup>

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission  
Los Angeles Office  
18000 Studebaker Rd., Rm. 660  
Cerritos, California 90703

6. This Notice shall be sent to Silver State Broadcasting, LLC, at its address of record.

7. The Privacy Act of 1974<sup>7</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

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<sup>4</sup> 47 C.F.R. § 1.89(c).

<sup>5</sup> Section 1.16 of the Rules provides that "[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person . . . . Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'." 47 C.F.R. § 1.16.

<sup>6</sup> 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

<sup>7</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).

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FEDERAL COMMUNICATIONS COMMISSION

James T. Lyon  
Acting District Director  
Los Angeles Office  
Enforcement Bureau